

Rec'd PCT/PTO 26 OCT 2001 D.A.C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

In re the Application of:

Inventor(s): Guizeng SHI et al.

Application No.: 09/763,163

Filed: February 16, 2001

For: WIRELESS COMMUNICATION APPARATUS AND WIRELESS
COMMUNICATION METHOD



RENEWED PETITION UNDER 37 CFR §1.47(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

RECEIVED

OCT 31 2001

Sir:

OFFICE OF PETITIONS

In response to the Decision on Petition dated August 31, 2001, your Petitioners, Mr. Osamu Kato and Mr. Mitsuru UESUGI, two of the joint inventors of the invention described in the above-captioned application, do hereby renew their Petition under 37 CFR 1.47(a) filed March 29, 2001.

This renewed Petition includes a Supplemental Declaration under 37 CFR §1.47 of Mr. Osamu Kato, and a Declaration under 37 CFR §1.47 of Ms. Tomoko Najima, providing supplemental proof of the pertinent facts that the non-signing inventor, Mr. Guizeng SHI, cannot be found or reached after diligent effort.

The attached Supplemental Declaration of Mr. Kato and Declaration of Ms. Najima provide a showing that despite the diligent efforts of Mr. Kato, Mr. Shi cannot be found or reached for purposes of signing the application papers relating to the above-captioned application.

The facts presented in the attached Declarations include the following:

On September 11, 2001, Mr. Kato attempted to telephone Mr. Shi and found that his last known telephone number is no longer being used. Around September 11, 2001, Mr. Kato attempted to reach Mr. Shi by e-mail, but was unable to reach him. Mr. Kato inquired with the Japanese Post Office as to whether Mr. Shi had left a "Request for Forwarding" and was informed that he had not.

On October 11, 2001, Ms. Tomoko Najima of Matsushita, as stated in her Declaration, wrote to Guizeng Shi by registered mail (see Exhibit AA which is a Registered Mail Receipt and English translation) and enclosed the following documents:

- i. Declaration for Patent Application for the above-captioned application, including the names of all three inventors of the present application and having attached to the Declaration the specification, claims, abstract and drawings as filed on February 16, 2001, for the above-captioned application;
- ii. Assignment for the above-captioned application; and
- iii. Cover letter (see Exhibit BB with English translation) requesting Mr. Shi to sign and date each of the documents as indicated, and return the originals to Matsushita Electric Industrial Co., Ltd.

Exhibit CC is a "Record of Delivery" (with English translation) from the Akisima Post Office indicating that (1) the mail

sent by Ms. Najima could not be delivered and (2) a forwarding address of the recipient is unknown.

It is noted that the attempted delivery was unsuccessful in February, 2001 (as shown by the previous Petition and Exhibits) as well as in October, 2001, thus eliminating the issue of Mr. Shi being on vacation or merely out of town.

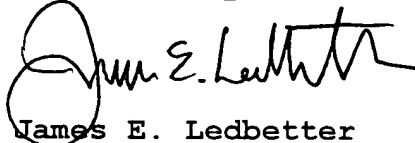
Mr. Kato's Declaration explains the procedure under the Japanese postal system when the recipient is absent at the time of delivery of registered mail. A "Notice of Delivery" is left in the recipient's mailbox. Exhibit DD is a sample "Notice of Delivery," with English translation. This Notice tells the recipient that (1) he/she was absent when a mail from "Sender" was attempted to be delivered at a stated time of delivery on a given date, and (2) the package will be kept in the [Name of location of Post Office] Post Office for him/her to pick up during a 7 day custodial period (extendible three days upon request of the recipient). There are two ways for an absent intended recipient to receive the mail. One is "Request of Re-delivery;" if the recipient wishes the Post Office to deliver again, he/she informs the Post Office of the convenient date by telephone or on the reverse side of the Notice of Delivery. The other option is that the recipient goes to the appointed Post Office to pick up the mail.

To date, as demonstrated by the proofs supplied by the original Petition and the present renewed Petition, despite the diligent efforts of the Assignee, Matsushita Electric Industrial Co., Ltd., and co-

inventor Mr. Kato, Mr. Guizeng Shi has been unable to be reached or located, in order to secure Mr. Shi's compliance with any of the above-identified requests to sign the Declaration Under 37 CFR § 1.63 for the present application. It is noted that this Petition is based on inability to find or reach a non-signing inventor and not necessarily refusal to sign as suggested at page 3, third full paragraph of the Decision. All of the issues raised in the Decision on Petition have been addressed and overcome.

Accordingly, notification of grant of this Petition under 37 CFR §1.47(a) is respectfully requested.

Respectfully submitted,



James E. Ledbetter
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Date: October 26, 2001

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